

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00063

LACY MOORE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 25, 2013, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Lacy Moore, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Joseph Black. The defendant commenced a five-year term of supervised release in this action on September 21, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on August 22, 2003.

The court heard the admissions of the defendant, the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the state and local offense of driving under the influence and the misdemeanor offense of leaving the scene of an accident on March 7, 2013, inasmuch as the defendant was involved in an automobile accident, left the scene the accident, and at the time of his apprehension, submitted to a breath test reading .148 and a subsequent breath test reading .140; (2) the defendant committed the state and local offense of driving under the influence on March 17, 2013, at which time he failed three field sobriety test and submitted to a breath test reading .142; (3) the defendant failed to report his arrests on March 7 and 17, 2013, within 72 hours inasmuch as he did not contact the probation officer until April 1, 2013; (4) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on October 25 and November 21, 2012, and January 15, February 19, March 13 and June 3, 2013, the defendant having admitted the use of marijuana to the probation officer on November 8 and 21, 2012, and January 3 and June 3, 2013; (5) the defendant failed to appear for urine screens as

directed on November 12, 2012, and February 13, March 28, April 30 and May 10, 2013; all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of fifty-two (52) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22,

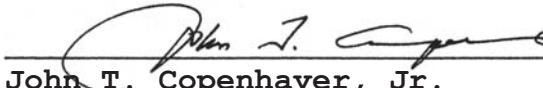
2007, and the further condition that the defendant not commit another federal, state or local crime and the special conditions that he attend an AA/NA program as directed by the probation officer and engage himself in full-time, gainful employment.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 9, 2013


John T. Copenhaver, Jr.
United States District Judge